

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 15-20338

v.

Judith E. Levy

United States District Judge

Anthony Ray Gandy,

Mag. Judge Mona K. Majzoub

Defendant.

_____/

**ORDER DENYING DEFENDANT'S MOTION FOR HOME
CONFINEMENT [259]**

On June 23, 2020, the Court denied Defendant Anthony Ray Gandy's motion for compassionate release. (ECF No. 258.) On July 1, 2020, Defendant filed this motion for home confinement under 18 U.S.C. §3624(c)(2). (ECF No. 259.) The decision to transfer an inmate to home confinement is a matter within the sole discretion of the Federal Bureau of Prisons (BOP), *see* 18 U.S.C. §3624(c)(2), and is not subject to judicial review under the Administrative Procedure Act, *see* 18 U.S.C. §3625. Although the CARES Act expanded the BOP's authority to place a prisoner in home confinement, it did not grant this Court the power to

review placement decisions. CARES Act, Pub. L. No. 116-136, § 12003(b)(2) (Mar. 27, 2020); *see also United States v. Amarrah*, 2020 WL 2220008, at *8 (E.D. Mich. May 7, 2020) (“The Court is aware that it does not have statutory authority to order that Defendant’s current sentence be modified to home confinement.”). Accordingly, the Court does not have the authority to grant Defendant’s requested relief; the Court therefore denies Defendant’s motion.

The Court reiterates that Defendant may renew his motion *for compassionate release* should his medical conditions change, or should he present evidence demonstrating that his existing conditions significantly increase his likelihood of a dire outcome from COVID-19 while confined.

IT IS SO ORDERED.

Dated: August 12, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 12, 2020.

s/William Barkholz
Case Manager